

CHAPTER 20.57

MM MARINERS MILE OVERLAY DISTRICT

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20.57.010 Effect and Purpose of Chapter

The provisions of this chapter shall apply to all nonresidential parcels that front Coast Highway from the eastern boundary of Specific Plan #5, Mariner's Mile to the Back Bay Bridge. It is the purpose of this chapter to implement the goals and policies of the Newport Beach General Plan and implement the Mariner's Design Framework. All applicable provisions of Title 20 of the Municipal Code shall apply except as modified by this Chapter. Where conflict arises with the provisions of this Chapter and other provisions of Title 20, the provisions of this Chapter shall take precedence.

20.57.020 Districting Map Indicator

The MM Overlay District may be combined with any base district, and shall be shown on the Districting Map with an "-MM" designator.

20.57.030 Architecture and Site Planning

Responsible urban design is a primary goal of the Mariner's Mile Specific Plan Area. Designs should respect their surroundings. The architecture and site plans of all Development Plans shall be found compatible with well designed surrounding properties. Site planning should accommodate the larger design concepts of the Mariner's Mile Design Framework (Urban Design, Landscape). Buildings should orient to the street in the Village areas and when surrounded by parking. Roofs and roof elements should respect views from above and in an aesthetically pleasing manner. Roof top mechanical equipment shall be concealed in a coordinated fashion or be located within the building or structure. Overall site planning shall also promote pedestrian connections and pedestrian amenities within the village area, and provide public access to the water along the bay. Building and structures should adhere to the Color and Materials Palette identified in the Mariner's Mile Design Framework.

20.57.040 Property Development Regulations

- A. Landscape areas shall be provided in accordance with Chapter 20.42 except subsection (M) 3 is not applicable.
- B. Walls and Fences shall be regulated in accordance with Chapter 20.42.
- C. Utilities and Ground Mounted Equipment shall be regulated in accordance with Chapter 20.42.
- D. Vehicular Access & Lot Consolidation. New vehicular access driveways on Coast Highway should be avoided or minimized in order to minimize potentially hazardous turning movements on and off Coast Highway. Developments are strongly encouraged to consolidate lots and provide shared access with adjacent properties whenever possible.
- E. Lighting. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. "Walpak" type fixtures are not permitted. Parking lot lighting shall have zero cut-off fixtures and "shoebox" lights are preferred. The use of low level lighting to illuminate walkways, landscape accent lighting and building accent lighting is encouraged. Light standards shall not exceed 20 feet measured from natural grade.
- F. Signs shall be regulated in accordance with Chapter 20.42.

20.57.050 Development Plan Review Required

- A. General. The City Council finds, determines and declares that the preservation and enhancement of the Mariner's Mile area through the consistent application of sound urban design principles and the promotion of thoughtful and tasteful design while allowing creative flexibility as described in the Design Framework is desirable. Therefore, new or substantially altered development shall be reviewed for consistency with adopted design policies contained within with the Mariner's Mile Design Framework in order implement the goals and objective of the Design Framework and preserve and promote the health, safety, and general welfare of the community by achieving the following purposes.
 - 1. To assure that development of properties in Mariner's Mile Overlay Area will not preclude attainment of the General Plan objectives and policies.
 - 2. To protect and preserve the value of properties and to encourage high quality development thereof in Mariner's Mile Overlay Area where adverse effects could result from inadequate and poorly planned development and from failure to preserve where feasible natural landscape features, open spaces, and the like, and will result in the impairment of the benefits of occupancy and use of existing properties in such area.
 - 3. To ensure that the public benefits derived from expenditures of public funds for

- improvement and beautification of streets and public facilities within Mariner's Mile Overlay Area shall be protected by the exercise of reasonable controls over the layout and site location characteristics of private buildings, structures and open spaces.
4. To promote the maintenance of superior site location characteristics adjoining Coast Highway, a thoroughfare of city wide importance; to ensure that the community benefits from the natural terrain, harbor and ocean; and to preserve and stabilize the grounds adjoining said thoroughfare, and to preserve and protect the property values in said areas.
- B. Application. Development Plan review and approval shall be obtained from the Planning Director prior to the issuance of a building permit for any exterior work for any new building to be constructed, or existing building to be reconstructed or remodeled to increase the gross floor area by 25 percent or 2,500 square feet whichever is less, sign approval or initiation of landscaping rehabilitation. An Application for a Development Plan for a shall be filed in a manner consistent with the requirements contained in Chapter 20.90: Application Filing and Fees.
- C. Review. The Planning Director or his/her authorized representative shall review any plans, applications or other information for consistency with the adopted Mariner's Mile Design Framework and other applicable ordinances and policies. The Planning Director shall only approve a Development Plan if the project is found to be consistent with the Design Framework and applicable ordinances and policies. The Planning Director shall have the discretion to have the Planning Commission consider any development plan.

20.57.055 Notice and Public Hearing

- A. Public Hearings. The Planning Director or Planning Commission shall hold a public hearing on an application for a Development Plan. A public hearing is not required on applications for minor changes to existing signs including replacing a sign panel or applications that solely propose landscape rehabilitation.
- B. Time of Hearing. Upon the receipt, in proper form, of any application filed pursuant to this chapter, a time and place for a public hearing shall be fixed, to be held not less than 10 days nor more than 60 days thereafter.
- C. Required Notice.
1. Mailed or Delivered Notice. At least 10 days prior to the hearing, notice shall be mailed to the applicant and all owners of property within 300 feet, excluding intervening rights-of-way and waterways, of the boundaries of the site, as shown on the last equalized assessment roll or, alternatively, from such other records as contain more recent addresses. It shall be the responsibility of the applicant to obtain and provide to the City the names and addresses of owners as required by this section.
 2. Posted Notice. Notice shall be posted in not less than 2 conspicuous places on or close to the property at least 10 days prior to the hearing.

D. Contents of Notice. The notice of public hearing shall contain:

1. A description of the location of the project site and the purpose of the application;
2. A statement of the time, place, and purpose of the public hearing;
3. A reference to application materials on file for detailed information;
4. A statement that any interested person or authorized agent may appear and be heard.

E. Continuance. Upon the date set for a public hearing before the Planning Director or Planning Commission, the Director or Commission may continue the hearing to another date without giving further notice thereof if the date of the continued hearing is announced in open meeting.

20.57.060 Rights of Appeal

Appeals of decisions of the Planning Director or Planning Commission regarding the implementation of this Chapter shall be governed by Chapter 20.95: Appeals.